

AMENDED IN SENATE APRIL 12, 2010

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1352

Introduced by Senator Wyland

February 19, 2010

An act to add Section 680.2 to the Penal Code, relating to rape kits, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1352, as amended, Wyland. Rape kits.

Existing law requires the establishment of protocols for the examination and treatment of sexual assault victims, including the collection and preservation of evidence. Existing law provides that a law enforcement agency assigned to investigate certain sexual assault offenses should perform DNA testing of rape kit evidence in a timely manner.

This bill would require rape kits collected on or after January 1, 2011, in criminal investigations be processed and analyzed for identification purposes within 30 days of delivery to law enforcement. The bill would also require that all rape kits collected prior to January 1, 2011, in criminal investigations be processed and analyzed for identification purposes not later than ~~January 1, 2012~~ *June 30, 2011*.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to these statutory provisions:

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions provide a procedure for paying this reimbursement.

This bill would appropriate an unspecified sum to the Controller annually to reimburse local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 680.2 is added to the Penal Code, to read:
2 680.2. All rape kits collected on or after January 1, 2011, in
3 criminal investigations shall be processed and analyzed for
4 identification purposes within 30 days of delivery to law
5 enforcement. All rape kits collected prior to January 1, 2011, in
6 criminal investigations shall be processed and analyzed for
7 identification purposes not later than ~~January 1, 2012~~: June 30,
8 2011. Evidence derived from the analysis of any rape kit is not
9 made inadmissible in court by the fact that it was not processed
10 and analyzed within the timeframe required by this section.

11 ~~SEC. 2. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~

16 SEC. 2. The sum of ____ dollars (\$ ____) is hereby
17 appropriated annually from the General Fund to the Controller
18 to reimburse local agencies and school districts pursuant to Part
19 7 (commencing with Section 17500) of Division 4 of Title 2 of the
20 Government Code for costs mandated by the state and incurred
21 by them pursuant to this act.